

LEWIS
ANDROCA
LLP

L A W Y E R S

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3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-0961
Facsimile (702) 949-8321
Telephone (702) 949-8320

40 North Central Avenue, Suite 1900
Phoenix, Arizona 85004-4429
Facsimile (602) 734-3824
Telephone (602) 262-5311

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com

Attorneys for Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA Commercial Mortgage Company
06-10725 – Lead Case

USA Capital Realty Advisors, LLC
06-10726

USA Capital Diversified Trust Deed Fund, LLC
06-10728

USA Capital First Trust Deed Fund, LLC
06-10728

USA Securities, LLC
06-10729

Debtors.

Jointly Administered

Chapter 11 Cases

Judge Linda B. Riegle Presiding

**Joinder in Motion to Permit Debtor to
Remain on Leased Premises for
Limited Post-Effective Date Period**

Date: OST Requested

Time: OST Requested

Affecting:

× All Cases

or Only:

.. USA Commercial Mortgage Company

.. USA Capital Realty Advisors, LLC

.. USA Capital Diversified Trust Deed Fund, LLC

.. USA Capital First Trust Deed Fund, LLC

.. USA Securities, LLC

The Official Committee of Unsecured Creditors of USA Commercial Mortgage Company joins in Debtors' Motion To Permit Debtor To Remain On Leased Premises For Limited Post-Effective Date Period [DE 2874], but requests that the Court authorize Debtors to continue to occupy their current offices located at 4480 South Pecos Road, Las Vegas, Nevada 89121 through the last business day of the month after the month in which the Effective Date of the Plan occurs.

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1 The Plan causes the rejection of the lease with Haspinov, LLC on the Effective
2 Date of the Plan. At present, given the pendency of a renewed motion for stay pending
3 appeal, it is not possible to know for certain when the Effective Date will occur. Yet,
4 Debtors' Motion seeks an extension of the occupancy period only through March 31,
5 2007. This may be insufficient relief.

6 The USACM Trust does not become effective until the Effective Date. It lacks the
7 ability to enter into a new lease for premises for the USACM Trust. Those premises are
8 required for:

- 9 • Maintenance of Debtors' books and records (including books and records of
10 Debtors other than USACM) and their production to interested parties
- 11 • Operation of Debtors' computers to operate the business make Debtors'
12 electronic files available to interested parties
- 13 • Workplace for USACM Trust employees
- 14 • Worksite for USACM Trust Trustee and counsel

15 Requiring the USACM Trust to relocate Debtors' books, records, computers and
16 employees without a month for the transition would be disastrous. During the month of
17 March, for example, USACM will be sub-servicing Loans for Compass Partners, LLC,
18 and assisting in preparation of 2005 tax returns, to identify only two tasks; and after the
19 Effective Date, the Trust will be reviewing Debtors' computers for electronic files that
20 may be needed for future litigation and claims proceedings.

21 The Trustee, in anticipation of the Effective Date, has met with professionals
22 capable of relocating the Debtors' computer equipment and network. Those professionals
23 have advised that the better part of three to four weeks are needed to properly relocate the
24 equipment and network.

25 Accordingly, the USACM Trust needs a minimum of a month after the Effective
26 Date to provide for an orderly transition to a new location.

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1 Haspinov, LLC, as landlord, should not object to the requested extension.
2 Haspinov has filed proofs of claim in Debtors' cases to assert claims for damages for
3 unpaid rent upon rejection of the lease and Debtors' failure to pay rent. The Committee
4 and Debtors clearly understand that Debtors and then the USACM Trust must pay rent
5 during the occupancy period. Those rent payments would mitigate Haspinov's damages
6 claim. The Committee therefore requests that Debtors be granted relief from the Court,
7 authorizing Debtors and the USACM Trust to continue to occupy Debtors' current offices
8 located at 4480 South Pecos Road, Las Vegas, Nevada 89121 through the last business day
9 of the month after the month in which the Effective Date of the Plan occurs, conditioned
10 upon continued payment of rent to the landlord through the occupancy period.

11 Dated February 23, 2007.

12 **LEWIS AND ROCA LLP**

13
14 By /s/ RC (#006593)

15 Susan M. Freeman, AZ 4199 (pro hac vice)

16 Rob Charles, NV 6593

17 *Attorneys for Official Unsecured Creditors' Committee*
18 *for USA Commercial Mortgage Company*
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